

Exhibit V

1 DEPARTMENT OF POLICE ACCOUNTABILITY

2 DPA CASE NO.: 0164-16

4 INTERVIEW OF: SERGEANT NATHANIEL STEGER, #2252

5 DATE OF INTERVIEW: 02/06/2018

8 INV. STONECIPHER: This interview is regarding DPA Case
9 number 0164-16. It's taking place at the Department of Police
10 Accountability on February 26th, 2018, at 10:02 a.m. Conducting
11 this interview is Inspector Matt Stonecipher. I work for the
12 Department of Police Accountability. I've been designated by the
13 Police Commission to conduct this investigation. Also present is
14 Senior Investigator Carlos Villarreal and Chief of Staff Sarah
15 Hawkins. The member being interviewed is Sergeant Nathaniel
16 Steger, Star number 2252, who is a named officer in this matter.
17 Representing Sergeant Steger is...

18 ATTORNEY BURRELL: Scott Burrell.

19 INV. STONECIPHER: Sergeant Steger, have you read the
20 DPA form 293 and the allegation form regarding the allegations
21 of misconduct?

22 SGT. STEGER: Yes.

23 INV. STONECIPHER: Sergeant Steger, because there may be
24 criminal culpability on your part, I want to be certain that you
25 understand the following rights. You have the right to remain
26 silent. Anything you say may be used against you in court. You
27 have the right to an attorney before and after questioning. Do
28 you understand each of these rights that I have explained to

1 | you?

2 | SGT. STEGER: Yes.

3 | INV. STONECIPHER: With these rights in mind, would you
4 | like to answer my questions now?

5 | SGT. STEGER: No.

6 | INV. STONECIPHER: Sergeant Steger, while you have the
7 | right to remain silent criminally, it is a condition of your
8 | employment that you answer my questions in this administrative
9 | investigation. I work for the Department of Police
10 | Accountability of the San Francisco Police Commission. I have
11 | been designated by the Police Commission to conduct this
12 | investigation. I am, therefore, ordering you on behalf of the
13 | Commission, to answer my questions in this administrative
14 | investigation. If you refuse to answer my questions, your
15 | silence can be deemed insubordination and result in
16 | administrative discipline up to and including termination of
17 | your employment. Any statement you make under the threat of such
18 | discipline will be used for administrative purposes only and
19 | cannot be used against you criminally, unless you choose to
20 | testify in such a criminal case. Do you understand this order?

21 | SGT. STEGER: Yes, I do.

22 | INV. STONECIPHER: Sergeant Steger, do you wish to
23 | answer my questions as ordered at this time?

24 | SGT. STEGER: Yes.

25 | INV. STONECIPHER: Sergeant Steger, earlier, I provided
26 | you with a DPA Administrative Interview Advisements form. You
27 | have signed that form and given it back to me. I will be placing
28 | this in the DPA file. With these advisements in mind, is there

1 | any reason you can't go forward with this interview?

2 | SGT. STEGER: No.

3 | INV. STONECIPHER: Scott, is there anything you'd like
4 | to add before we start?

5 | ATTORNEY BURRELL: No.

6 | INV. STONECIPHER: Sergeant Steger, did you review any
7 | documents to prepare for this interview today?

8 | SR. INV. VILLARREAL: I just reviewed the transcript of my
9 | interview with Homicide.

10 | INV. STONECIPHER: Okay. And did you review any video to
11 | prepare for this interview?

12 | SGT. STEGER: Yes. The video that's available online,
13 | the open source.

14 | INV. STONECIPHER: Okay. [Did you get the security
15 | footage that I have not seen?]

16 | SGT. STEGER: Yeah.

17 | INV. STONECIPHER: And other than your rep, have you
18 | spoken to anybody else about this case?

19 | SGT. STEGER: No.

20 | INV. STONECIPHER: And Sergeant Steger, how long have
21 | you employed with SFPD?

22 | SGT. STEGER: It's been [REDACTED].

23 | INV. STONECIPHER: Okay. And have you worked for any
24 | other police agencies during that time?

25 | SGT. STEGER: During that time? Never.

26 | INV. STONECIPHER: Or I should say before. Have you
27 | worked for any before?

28 | SGT. STEGER: Before? [REDACTED]

1 [REDACTED] [REDACTED] [REDACTED]
2 INV. STONECIPHER: And when was that? Do you remember
3 the years?
4 SGT. STEGER: [REDACTED] [REDACTED] [REDACTED].
5 INV. STONECIPHER: Okay. And Sergeant Steger, have you
6 received CIT training?
7 SGT. STEGER: No, I have not.
8 INV. STONECIPHER: Okay. Have you received Advanced
9 Officer Training?
10 SGT. STEGER: Yes.
11 INV. STONECIPHER: Do you remember the last time that
12 was?
13 SGT. STEGER: I want to say it was about a year ago.
14 INV. STONECIPHER: Okay. Have you received de-escalation
15 training?
16 SGT. STEGER: Not specifically de-escalation training. I
17 used to teach in the Academy.
18 INV. STONECIPHER: Okay.
19 SGT. STEGER: So, I actually used to teach conflict
20 resolution. So, I haven't gone through the de-escalation class,
21 as well as I also received mediation training.
22 INV. STONECIPHER: And when were you teaching at the
23 Academy?
24 SGT. STEGER: It's been a little while since I've taught
25 up there now. The last time I taught up there was a little bit
26 of blue courage to the Academy class. But I've been teaching off
27 and on at the Academy for, gosh, 10-12 years.
28 INV. STONECIPHER: Okay.

1 SGT. STEGER: Maybe even more than that.

2 INV. STONECIPHER: Okay. There may be a little bit of
3 overlap with this question, but have you received any training
4 on hostage negotiation?

5 SGT. STEGER: Other than the conflict resolution and
6 stuff, I've had nothing.

7 INV. STONECIPHER: Okay. And have you received training
8 on use of firearms?

9 SGT. STEGER: Yes.

10 INV. STONECIPHER: Okay. And where are you currently
11 stationed?

12 SGT. STEGER: Our Homeland Security Unit.

13 INV. STONECIPHER: Okay. And had you had any previous
14 involvement with Luis Gongora, prior to this incident?

15 SGT. STEGER: Not to my knowledge.

16 INV. STONECIPHER: Okay. Did you have a partner that
17 day?

18 SGT. STEGER: I did not.

19 INV. STONECIPHER: Okay. And what equipment did you have
20 on you that day?

21 SGT. STEGER: My Department issued gun belt with all the
22 tools that are supplied by the Department. So, handcuffs, OC,
23 collapsible baton, my radio.

24 INV. STONECIPHER: Okay.

25 SR. INV. VILLAREAL: Had you received training on using
26 the ERIW?

27 SGT. STEGER: Yes.

28 SR. INV. VILLAREAL: And before this incident, you had

1 received training on that?

2 SGT. STEGER: Yes.

3 SR. INV. VILLAREAL: Okay.

4 INV. STONECIPHER: Yeah, a little bit of overlap, but
5 what non-lethal options did you have on you that day?

6 SGT. STEGER: On me, just the OC and the collapsible
7 baton.

8 INV. STONECIPHER: Okay. Do you know how many bullets
9 you had on you when you started your shift?

10 SGT. STEGER: I had the two extra magazines, which are
11 12 rounds in each magazine, plus a fully loaded Sig Sauer. So,
12 that's a fully loaded magazine with one in the chamber.

13 INV. STONECIPHER: Okay.

14 SGT. STEGER: So, that's 13 on top of that.

15 INV. STONECIPHER: Got you. I noticed you're wearing
16 glasses today.

17 SGT. STEGER: Yes.

18 INV. STONECIPHER: Are you near-sighted or far-sighted.

19 SGT. STEGER: Yes.

20 (Laughter.)

21 SGT. STEGER: It's progressive lens.

22 INV. STONECIPHER: Got you. And were you wearing glasses
23 on the day of the incident?

24 SGT. STEGER: Yes, I was.

25 INV. STONECIPHER: Okay. And now, do you know how many
26 hours of sleep you got the previous night, before the incident?

27 SGT. STEGER: I don't recall at this time.

28 INV. STONECIPHER: Okay.

1 SGT. STEGER: I know that it was a standard night of
2 sleep, so I wasn't anything unusual.

3 INV. STONECIPHER: Okay. Sergeant Steger, please
4 describe in detail like your encounter with Luis Gongora on
5 April 7, 2016.

6 SGT. STEGER: So, that day, we were running a little
7 short on staff. I was out handling calls for service. I was
8 responding to an alarm call, when the call came in for a man
9 waving a knife. I heard Officer Mellonne come up to handle that
10 call, and that he was responding with ERIW. Because of the
11 nature of the call, a person with a knife, ERIW is going to be
12 on-scene, plus we're short-staffed, I pre-empted myself off the
13 alarm call and responded to back-up Officer Mellonne. So, when I
14 got to the area...the call came out for, I believe, 17th and
15 Shotwell initially. I came up 19th, westbound on 19th, and then
16 turned northbound on Shotwell, to get to where I needed to go.

17 Thinking that I still had another block and a half, before
18 I really needed to kind of start looking for the suspect, I'm
19 kind of focusing more on what's in front, when I get flagged
20 down by a member of the HOT team, San Francisco HOT team. She
21 points out, across the street, and says, "The guy's over there,"
22 and kind of determined that she was the caller. So, I said okay,
23 and because he was behind me and across the street, I figured,
24 "Well, I'm going to go down, pull the car around, so that I'm
25 facing the subject." So, I drive to the end of Shotwell.

26 On 18th Street, I see Officer Mellonne in the area, trying
27 to find the subject as well. I say, "I just made contact with
28 HOT team. They say he's down, behind us on Shotwell," and point

1 down towards 19th Street. So, Officer Mellonne takes to the
2 left, putting him southbound on Shotwell. I do a U-turn to also,
3 southbound Shotwell. He gets up to, I don't know what the
4 address was, but there were a couple of tents on the sidewalk.
5 He pulls up kind of next to those. I pull in behind him. Officer
6 Mellonne exits his vehicle. There are two people on the
7 sidewalk.

8 I see this as I'm...I've got to get out of the car to back
9 him up. As I walk up, I can see a subject matching the
10 description, sitting against a wall, a little further south on
11 Shotwell, and I pointed that out to Officer Mellonne. At that
12 point, we start to make our approach. Officer Mellonne takes the
13 building line, I take kind of the curb line. We triangulate on
14 Mister Gongora. Officer Mellonne issues a command. I don't
15 remember specifically whether it was, "Drop the knife," or, "Lay
16 on the ground," but it was a pretty generic law enforcement
17 command. I remember it being clear. He's got a loud voice.

18 I see Mister Gongora sitting against the wall. Next to him
19 is a 13-, 14-inch chef's knife that he's holding in his hand. As
20 I remember it, his hand is actually kind of resting on the
21 ground. Officer Mellonne issues his command. Mister Gongora
22 opens his hand and then he grabs the knife again. What's going
23 through my mind at this time is, we need to make contact and
24 find out what's going on. We see the knife and I've had hundreds
25 of contacts with people in the Mission who carry knives, who
26 have knives. The homeless often have knives, tools, for
27 protection, any number of reasons. So, I'm thinking we'll make
28 contact, get him away from the knife, find out what's going on.

1 He opens his hand and I think, "Okay. This is going as it
2 should," and then he grabs the knife again, and at that point,
3 it's not going as it should. Like why is he grabbing the knife?
4 And when he grabs the knife again, Officer Mellonne discharges
5 the ERIW, and I remember the bean bag hitting Mister Gongora in
6 the right arm. Then Mister Gongora starts to get up with the
7 knife in hand. He takes a few steps. I remember that Officer
8 Mellonne fires the ERIW at least one more time, then Mister
9 Gongora charges at me with the knife. At this point, I'm afraid
10 that he is...I'm in fear for my life. I'm afraid that he's trying
11 to kill me. He has the knife out like in a slashing...he has his
12 arm cocked back, his right arm cocked back, like you would with
13 a machete.

14 He sprints towards me. I start backing up. I fire my gun,
15 it proves ineffective. I fire again. I don't know how many times
16 specifically I fired. I believe it was three or four times at
17 his body and then I went to what we call the failure drill,
18 because he was continuing to advance on me. At the time, I
19 thought I had only taken one or two steps back. In reviewing the
20 video, I'm running backwards to try and get away from Mister
21 Gongora. When I went to the failure drill, I fired one more
22 time, and Mister Gongora dropped to the ground, that's when the
23 threat ended, and I reholstered my firearm.

24 INV. STONECIPHER: Okay. Sergeant Steger, just to
25 clarify. Were you one of the first officers to arrive on-scene?

26 SGT. STEGER: Yes.

27 INV. STONECIPHER: Okay.

28 SGT. STEGER: Myself and Michael Mellonne arrived pretty

1 much at the same time.

2 INV. STONECIPHER: Were you the highest-ranking officer
3 on-scene at the time?

4 SGT. STEGER: Yes, I was.

5 INV. STONECIPHER: And who was providing lethal cover?

6 SGT. STEGER: I was.

7 INV. STONECIPHER: And again, just to clarify. Where was
8 Mister Gongora when you arrived on-scene initially?

9 SGT. STEGER: He was sitting on the eastbound, or sorry,
10 the east side of Shotwell, leaning against the [REDACTED] building,
11 sitting on the pavement with his back against the building.

12 INV. STONECIPHER: Okay. And how were his knees
13 positioned when he was sitting?

14 SGT. STEGER: His legs were straight out.

15 INV. STONECIPHER: Okay. And what was he doing when he
16 was sitting there?

17 SGT. STEGER: He was just staring off into the distance.

18 INV. STONECIPHER: Okay. And could you describe the
19 environment where this incident happened? Like what's in that
20 area? What's happening in that area while this is going on?

21 SGT. STEGER: So, it's predominantly a residential area,
22 although that side of the block is mostly PG&E property, and
23 then there's a fire station and training station on the other
24 side of the street, the other side of 19th Street. Shotwell
25 predominantly though, is all residential. Behind us there was a
26 homeless encampment with two people behind us. It's an area that
27 gets a decent amount of foot traffic and vehicular traffic.

28 INV. STONECIPHER: Got you. Did you notice other people

1 around?

2 SGT. STEGER: Not at that moment.

3 INV. STONECIPHER: Okay.

4 SGT. STEGER: I was conscious that there are people
5 around, but there was nobody specifically that I was aware of,
6 other than the two people on the sidewalk behind me.

7 INV. STONECIPHER: Right. Okay. And then, at what point
8 did you draw your handgun?

9 SGT. STEGER: After we got on-scene, it really was kind
10 of a secondary thought. I kind of realized, as we were started
11 to walk up, "Uh, I'm lethal cover. I should have, my gun is
12 supposed to be out." That's what the rules are, that's what the
13 training is, but my initial mindset going in is really, let's
14 find out what's going on. Let's assess the situation, let's talk
15 to this guy. Let's find out what's going on.

16 INV. STONECIPHER: Okay. And can you describe how you
17 were holding your handgun when you approached Mister Gongora?

18 SGT. STEGER: It was two-handed. I mean, if I had pulled
19 my gun out, it would have been two-handed at the, what we call
20 the low-ready.

21 INV. STONECIPHER: Okay.

22 SGT. STEGER: So, that's pointed down at the ground, at
23 an angle.

24 INV. STONECIPHER: And did you discuss any tactics or
25 plan with any officers, prior to contacting Mister Gongora?

26 SGT. STEGER: There was no specific discussion; however,
27 I've worked with Officer Mellonne before, in the past. I know
28 he's a capable officer. I know kind of how he operates. He's

1 worked with me in the past, so we really kind of resorted to our
2 training. We parked our cars a distance away, so we could get
3 out, and walk up, and then assess the situation. We didn't roll
4 right up on him. We triangulated as we walked up, which is done
5 for a number of reasons. It's done in case the person becomes
6 aggressive. They have to focus only on one person, so it's an
7 officer safety issue. It gives a different perspective from each
8 officer. If you have to go hands-on, it gives more options, as
9 far as that. If there's a chase, more options. So, by
10 triangulation, it leaves more options open, so we did that.

11 I can't speak for Michael Mellonne's mindset. My mindset is
12 to continually assess, and we really, we don't really know what
13 we have, so we need to make contact and find out what's going
14 on.

15 INV. STONECIPHER: Okay. And again, I think you talked
16 about it earlier, but again, were verbal commands given to
17 Mister Gongora?

18 SGT. STEGER: Yes. Officer Mellonne gave initial
19 commands. I did not. I find that if too many people are yelling
20 commands, it just becomes chaotic, and the person doesn't know
21 what they're doing. Officer Mellonne, he had the ERIW. He issued
22 the commands. He was loud and clear, so there was no reason for
23 me to say anything initially.

24 INV. STONECIPHER: Okay.

25 SGT. STEGER: Upon review of the video, I realized as
26 things got fast, I did start yelling. I still don't remember
27 saying anything, so I'm sure that was the stress.

28 INV. STONECIPHER: Okay. And again, just to clarify. Do

1 | you recall what commands Officer Mellonne was giving Mister
2 | Gongora?

3 | SGT. STEGER: I don't specifically.

4 | INV. STONECIPHER: Okay.

5 | SGT. STEGER: I know that they were pretty generic, "Put
6 | the knife down," or, "Get down on the ground." Something to that
7 | effect.

8 | INV. STONECIPHER: Okay. And were verbal commands ever
9 | given in Spanish at any point?

10 | SGT. STEGER: I was not aware, at the time. I know that
11 | Esteban Perez showed up and was giving commands in Spanish.

12 | INV. STONECIPHER: Okay. Sergeant Steger, did Mister
13 | Gongora seem to understand any of the verbal commands he was
14 | being given?

15 | SGT. STEGER: Mister Gongora showed no reaction to
16 | anything that was...so, not even to us yelling at all. I think he
17 | glanced over at us, but other than that, it wasn't, he kind of,
18 | he glanced at us, but he didn't acknowledge us. If that makes
19 | any sense? Yeah, so he did not respond at all.

20 | SR. INV. VILLAREAL: So, you did say earlier that he
21 | dropped, or he opened his hand and dropped the knife.

22 | SGT. STEGER: He let go of the knife and then he grabbed
23 | it again.

24 | SR. INV. VILLAREAL: He grabbed it again. Did you believe
25 | that was in response to any of the commands or the yelling?

26 | SGT. STEGER: Yeah. Yeah, I would. I would say that it
27 | was immediately after Officer Mellonne issued the first
28 | commands, the first verbal commands. So, yeah. I stand

1 corrected. I guess he did react to us, to some degree, but he
2 didn't look at us at that point. He just kind of let go, then he
3 grabbed the knife again, and I think at that point, it's either
4 at that point that he looked over at us, or right after the
5 discharge of the ERIW. I'm not sure.

6 SR. INV. VILLAREAL: How quick was that, dropping and
7 picking it up?

8 SGT. STEGER: It was...I don't really know. I mean, it was
9 quick.

10 SR. INV. VILLAREAL: Okay.

11 SGT. STEGER: It was open, there was a pause of maybe
12 two seconds maybe, and then he grabbed it again.

13 SR. INV. VILLAREAL: Okay.

14 INV. STONECIPHER: Now, when Officer Mellonne was giving
15 those verbal commands, how close were you to Mister Gongora,
16 would you say, if you had to estimate?

17 SGT. STEGER: We were about 30 feet away. In my initial
18 interview with Homicide, I think I said 15 feet, and that was
19 just kind of, I was off on that. I went out and walked the scene
20 and realized I was further back. We were about 30 feet away.

21 INV. STONECIPHER: Okay. And how close was Officer
22 Mellonne? Was it the same distance?

23 SGT. STEGER: About the same, yeah. I mean, he might
24 have been a little bit, he was obviously, a little bit closer
25 initially, just because of where I was out at the curb line. He
26 was along the building line, so not much of a difference, but
27 yeah, he would have been a little bit closer.

28 INV. STONECIPHER: Okay. And when you were initially

1 | approaching Mister Gongora, where was Officer Mellonne in
2 | relation to where you were?

3 | SGT. STEGER: He was off to my left, as I said, along
4 | the building line.

5 | INV. STONECIPHER: Okay. And you kind of touched on it a
6 | little bit before, but could you again, just describe Mister
7 | Gongora's demeanor during this whole interaction?

8 | SGT. STEGER: He didn't have much of a demeanor. I mean
9 | there was no, when he got hit with the initial ERIW round, there
10 | was no real like obvious reaction to pain or fear or anything,
11 | and it wasn't until he was rushing at me, and I looked directly
12 | in his face, and he had just determination on his face, and
13 | that's what I remember.

14 | INV. STONECIPHER: Okay. Now, when Mister Gongora, when
15 | he put the knife down, you're talking about the knife getting
16 | put down? Did you and Officer Mellonne, did you move closer when
17 | that happened?

18 | SGT. STEGER: No. We kind of stopped at that, around the
19 | 30-foot mark about.

20 | INV. STONECIPHER: Okay. And again, just to clarify. How
21 | close were you when Mister Gongora reacquired the knife? So,
22 | when he was clenching it?

23 | SGT. STEGER: We were about 30 feet.

24 | INV. STONECIPHER: Okay. And was there any attempt to
25 | create distance between Mister Gongora and the knife when you
26 | were approaching him? Like giving commands to push the knife
27 | away or do anything like that?

28 | SGT. STEGER: There wasn't really any time. I mean it

1 was...Officer Mellonne said something to the effect of, "Drop the
2 knife," or whatever the command was, and he let go. Then the
3 next step would have been, "Okay. Now, why don't you come walk
4 towards us. Let's talk about it." You know, to leave the knife,
5 but then he grabs the knife again.

6 INV. STONECIPHER: Okay.

7 SGT. STEGER: And that, to me, in my mind, that thing
8 suggests change. He's showing some sort of intent at that
9 moment. I don't know what's going through his mind at that
10 point, but there's some intent there. Every other contact has
11 gone, you know, people let go of the knife. Then, when we call
12 them over to us, and we talk to them, "What's going on?" We
13 figure out if they need services. Figure out just whatever might
14 be happening, and there was no time.

15 INV. STONECIPHER: Okay.

16 SGT. STEGER: He didn't give us that option.

17 INV. STONECIPHER: Okay. Do you feel like there should
18 have been time to do that? To advise him to create distance
19 between him and the weapon?

20 SGT. STEGER: When you say there should have been, can
21 you...should have been on his part? Should have been on our part?

22 INV. STONECIPHER: I guess on your part, from your
23 experience and training.

24 SGT. STEGER: Had he allowed us, yeah, but he didn't
25 give us that option. That's my point, is that he took that
26 option away by picking up the knife again. That's showing some
27 intent. I'm not going to go in and bum rush him. I'm not going
28 to go in and make any...like why is he grabbing the knife again?

1 He's elevated things at that point. I mean we still, we haven't
2 moved any closer to him. We're still standing there when this
3 all happens, and then after he grabbed the knife, after Officer
4 Mellonne discharged the ERIW, then he starts getting up, and
5 now, things are just dynamic.

6 INV. STONECIPHER: Got you. Okay. Did Officer Mellonne
7 fire the ERIW before or after giving verbal commands?

8 SGT. STEGER: After.

9 INV. STONECIPHER: Okay. And how close was Officer
10 Mellonne to Mister Gongora when he fired the ERIW?

11 SGT. STEGER: About 30 feet.

12 INV. STONECIPHER: Okay. Was he stationary or moving
13 when he fired the ERIW?

14 SGT. STEGER: He was stationary.

15 INV. STONECIPHER: Okay. Did Officer Mellonne give any
16 verbal warnings when he fired the ERIW? Give any commands that
17 he was discharging it?

18 SGT. STEGER: No. There was no, again, there was no real
19 time. At this point, because he picked up the knife again. And
20 here's where this is a little different than like other
21 instances where the person is holding the knife and just not
22 responsive. Then it's, everything's still calm and stationary.
23 Bu the fact is, when he let go of the knife, action, he grabs
24 the knife again, another action, and this is showing some sort
25 of intent. So, at that point, I don't think it would have been
26 reasonable for Officer Mellonne to try and say, "Drop the
27 knife." I mean he already, things are already moving now.
28 There's no time for him to say drop the knife or I'll shoot.

1 It's, he needed to disarm him, because he's picking the knife up
2 again. I think it would have been different had we approached,
3 and Mister Gongora was just standing there, holding the knife,
4 and unresponsive.

5 INV. STONECIPHER: Uh-huh.

6 SGT. STEGER: Then we would have stopped and we would
7 have shut the scene down. We would have called in every resource
8 available. We're constantly assessing, but he didn't do that. He
9 didn't give us that option.

10 INV. STONECIPHER: How did Mister Gongora respond after
11 being shot with the ERIW?

12 SGT. STEGER: He didn't. That was, I mean, he got up. He
13 started to run, and initially, I thought maybe he was going to
14 try to run away from us, or run into the street, or something. I
15 initially thought, well, we'll get into a foot chase, and then
16 he just beelined it for me.

17 INV. STONECIPHER: Okay. Did he communicate with you
18 verbally after being shot with the ERIW?

19 SGT. STEGER: No.

20 INV. STONECIPHER: And when he was initially shot with
21 the ERIW, did he change physical positions? Did he turn one way
22 or the other?

23 SGT. STEGER: No. He just got up and started moving kind
24 of forward, away from the building line.

25 INV. STONECIPHER: And again, during this whole
26 incident, while this is happening with the ERIW, would you say,
27 were you closer or was Officer Mellonne closer?

28 SGT. STEGER: Initially, Officer Mellonne was closer.

1 INV. STONECIPHER: Okay.

2 SGT. STEGER: But again, not by much. I mean, draw out a
3 triangle and it's, you know.

4 INV. STONECIPHER: Now, I think you mentioned it
5 earlier, but just clarify again. How was Mister Gongora holding
6 the knife at this point, when he stood up and was, I guess,
7 coming in your direction?

8 SGT. STEGER: So, he had it in his right hand, with the
9 blade, thumb side.

10 INV. STONECIPHER: And the tip is pointing up?

11 SGT. STEGER: Well, yeah. Up initially, and then as he
12 came to me, he had his arm cocked back like, as if you're going
13 to slash with a machete.

14 INV. STONECIPHER: And could you describe Mister Gongora
15 was moving? Like was it like a run? Was it like a shuffle? How
16 would you describe the pace he was kind of coming at you?

17 SGT. STEGER: So, as he was coming towards me, it was a
18 sprint.

19 SR. INV. VILLAREAL: When he initially got up, did he seem
20 to be stumbling or anything? What was that?

21 SGT. STEGER: So, when he first got up, it almost
22 seemed, and I don't know whether this was just things kind of
23 slowing down for me and my perception. It seemed like he
24 initially got up, it was a little more, almost like a gallop.
25 Does that make sense? Not quite a full-on run, but kind of like
26 long steps, and then he started to sprint.

27 SR. INV. VILLAREAL: Okay.

28 INV. STONECIPHER: Okay. And again, do you know how many

1 rounds you fired at the time?

2 SGT. STEGER: At the time? No.

3 INV. STONECIPHER: And what was your sequence of fire?

4 Was it fast? Was it pairs? Bursts? How would you describe it?

5 SGT. STEGER: It was, I mean it was steady. I don't know

6 if I would say it was...at the time, it certainly didn't feel like

7 it was fast.

8 INV. STONECIPHER: Okay. And when you were discharging

9 your handgun, was your view ever impeded?

10 SGT. STEGER: No.

11 INV. STONECIPHER: And did you move while you were

12 firing your handgun?

13 SGT. STEGER: Yes. As I said before, I was aware that I,

14 or I thought I had taken a step or two back. I was unaware of

15 how many steps I had taken back, until I viewed the video, and

16 realized I was back pedaling pretty quick.

17 INV. STONECIPHER: Okay. Were there any pedestrians

18 nearby when you opened fire?

19 SGT. STEGER: I don't remember any in the backdrop.

20 INV. STONECIPHER: Okay.

21 SGT. STEGER: Other than, like I said, the two; being

22 aware of the two people behind me. I was aware, it is

23 residential, predominantly a residential area.

24 INV. STONECIPHER: Okay. And the point where you used

25 your handgun, how close was Mister Gongora when you opened fire?

26 SGT. STEGER: Estimating about eight to ten feet.

27 INV. STONECIPHER: Okay. And at that point, how close

28 was Officer Mellonne to Mister Gongora, would you say?

1 SGT. STEGER: I'm not sure, because Officer Mellonne is
2 off to the building line. So, now, he's moved this way, so yeah,
3 I'm not sure.

4 INV. STONECIPHER: All right. I want to show the Robert
5 Whitworth Nest cam footage.

6 SGT. STEGER: Sure. [Unintelligible.]

7 INV. STONECIPHER: Do you need to take a break or
8 anything?

9 SGT. STEGER: No, I'm good.

10 INV. STONECIPHER: Okay. So, for the record, we're
11 watching Robert Whitworth's Nest cam footage. Let's see here.
12 Okay. We're going to jump ahead here. We're jumping ahead to the
13 45 minute, 53-second mark.

14 (Voices on video are heard.)

15 INV. STONECIPHER: All right. So, we're going to pause
16 it. This is the 46 minute, 15-second mark. Sergeant Steger, can
17 you point yourself out in the video, please?

18 SGT. STEGER: Yeah. I'm right here at the end, like at
19 the end of this patrol vehicle.

20 INV. STONECIPHER: Okay. So, Sergeant Steger just
21 pointed to the end of patrol vehicle zero...

22 SR. INV. VILLAREAL: 095.

23 INV. STONECIPHER: 95.

24 SR. INV. VILLAREAL: Yeah.

25 INV. STONECIPHER: Okay.

26 (Voices and gunfire are heard on video.)

27 INV. STONECIPHER: Okay. So, we're pausing at the 46-
28 minute and 38-second mark. Sergeant Steger, on the video, you

1 see yourself moving in a very fast, hurried pace backwards. Can
2 you just explain what you're reacting to?

3 SGT. STEGER: That's when Mister Gongora's running at me
4 with the knife. That's me trying to get away from him.

5 INV. STONECIPHER: Okay. And why did you stop firing,
6 Sergeant Steger?

7 SGT. STEGER: Because the threat ended. Mister Gongora
8 fell to the ground.

9 INV. STONECIPHER: Okay. And what did you do after you
10 stopped firing?

11 SGT. STEGER: I reholstered my firearm and then I walked
12 up to Mister Gongora. I could see that his chest was still
13 moving. I checked for a pulse, I thought I found a pulse. He
14 still had the knife in his hand, so I stepped on his wrist,
15 because I didn't know what kind of state he was in. I didn't
16 know if he was going to get up again, and also, just to secure
17 the scene. At that point, that's, I think, the first time I
18 became aware that Officer Perez was there, and he asked me,
19 "Sarge, do you want me to take the knife?" I said, "Yes, take
20 the knife." So, he removed the knife from Mister Gongora's
21 hands. I knew we had to separate him from the knife, because the
22 medics weren't going to treat him if he was still armed.

23 INV. STONECIPHER: Okay.

24 SGT. STEGER: At that point, I'm kind of, I'm in shock.
25 I'm aware of what's going on. I'm aware that Officer Mellonne is
26 on the radio calling for assistance, calling for an ambulance.
27 I'm aware that things are getting done, but I, myself, am not as
28 engaged.

1 INV. STONECIPHER: Okay. And who made the request for a
2 408?
3 SGT. STEGER: That would have been Officer Mellonne.
4 INV. STONECIPHER: Okay. Do you recall experiencing like
5 perceptual distortions, kind of immediately after it? Like in
6 sight, sound, time, memory loss? Anything like that?
7 SGT. STEGER: Well, like I said, there are things that I
8 still don't remember to this day. Like I don't remember any of
9 those commands, and I'm almost positive that after he starts
10 moving, then I started issuing commands, and I still don't
11 remember that. As far as distance, during my interview, I kept
12 saying 15 feet. It wasn't until I got out to the scene that I
13 noticed it was actually 30. I don't know whether that was due to
14 the incident or I was just mistaken during the interview. Other
15 than that, not really. I mean my gun wasn't as loud as I thought
16 it would be. So, yeah, other than that, that's really all I can...
17 SR. INV. VILLAREAL: Since you have the video up, using
18 that tree on the far right.
19 SGT. STEGER: Yes?
20 SR. INV. VILLAREAL: You approached, and what I saw was
21 that Officer Mellonne gave a command, and then you were about,
22 you were still walking forward when he originally gave the
23 command, and then you were almost at the same distance, near the
24 front of that tree. Then there was some silence for a little
25 while, and you all, then together, started walking closer. So,
26 I'm wondering, that action, there's an initial command, you meet
27 up with Officer Mellonne, then you move forward. In relation to
28 that, when did Mister Gongora drop and then pick up the knife?

1 SGT. STEGER: I'm not really sure.

2 SR. INV. VILLAREAL: Okay.

3 SGT. STEGER: Because in my memory, it all, it kind of
4 happened right after him issuing that command. But obviously,
5 there was some sort of a break there. So, I'm not sure.

6 SR. INV. VILLAREAL: And then, when you moved forward
7 together, you get off of the screen. So, I'm wondering when
8 you're talking about 30 feet, how far forward did you move from
9 that tree on the far right? Was that just off-screen?

10 SGT. STEGER: I want to say we stopped probably just
11 off-screen. I mean without having the full picture, I can't say
12 for sure, but we did not continue to advance. I mean, we stopped
13 a fair distance away. Close enough that he could hear us, see
14 who we were, close enough that we could see him, but without
15 endangering ourselves.

16 SR. INV. VILLAREAL: And was that more Officer Mellonne's
17 call, and were you kind of keeping up with him in keeping that
18 triangulation?

19 SGT. STEGER: I think it was just kind of an unsaid safe
20 distance. I don't know. I may have been, since he had the ERIW,
21 he's issuing the commands. He, at that time, is pretty much kind
22 of in-charge of the scene per se. He's going to be the one
23 communicating with the subject. So, he's kind of determining, at
24 that point, which is where he wants to stop. I don't think there
25 was any, there was no communication of, "Let's stop here." It
26 was just kind of we moved and got to a point that we both just
27 stopped.

28 SR. INV. VILLARREAL: Did you ever feel like you were, did

1 | you ever have any concerns personally that you were getting too
2 | close or were too far away then?

3 | SGT. STEGER: No.

4 | SR. INV. VILLAREAL: No? Okay.

5 | SGT. STEGER: And it's kind of, it's hard to explain,
6 | but on the street, you come in contact with people all the time.
7 | Yeah. In the Mission, we've had contact with people with knives,
8 | bottles, chains, what have you, and depending on the landscape,
9 | you really kind of, there's like this unsaid distance that we
10 | all kind of just go and then we'll stop, and we just kind of
11 | feel each other's presence, and we go, "Okay. This is good."
12 | It's kind of hard to explain, but it's through working with
13 | people, and repetitive calls, and our training. I mean our
14 | tactics, our move to what you feel is a safe distance, while
15 | still being able to do your job.

16 | SR. INV. VILLAREAL: And then, when Officer Mellonne fired
17 | that first ERIW round, what was that a reaction to?

18 | SGT. STEGER: The first round was when he picks up the
19 | knife.

20 | SR. INV. VILLAREAL: Okay. So, would you say that was
21 | almost like immediately after he picked it up?

22 | SGT. STEGER: Yes.

23 | SR. INV. VILLAREAL: Okay.

24 | SGT. STEGER: Yeah.

25 | SR. INV. VILLAREAL: I just wanted to make sure that we
26 | [unintelligible].

27 | SGT. STEGER: Yeah, and I think in the video, as you
28 | pointed out, I think there was. He issued the commands and there

1 | was a pause. So, I'm thinking that he probably, maybe he let go
2 | of that knife longer than I remember, but I definitely know he
3 | grabbed that knife again and Officer Mellonne discharged the
4 | ERIW, like soon after that.

5 | SR. INV. VILLAREAL: Okay.

6 | INV. STONECIPHER: Do you recall who discharged their
7 | handgun first?

8 | SGT. STEGER: That would have been me.

9 | INV. STONECIPHER: Okay. And what direction did Mister
10 | Gongora's body fall when he was shot? Did he fall forwards or
11 | backwards?

12 | SGT. STEGER: He kind of collapsed, but he fell on his
13 | back. So, I think during my Homicide, I said he fell backwards,
14 | but it was really kind of just a collapse, and he fell
15 | backwards.

16 | INV. STONECIPHER: Okay. And when Mister Gongora, when
17 | he was on the ground at that point, what direction was his head
18 | pointing? Was it pointed down the sidewalk towards the curb? How
19 | would you describe it?

20 | SGT. STEGER: It was kind of...so, it was pointed towards
21 | the street, so kind of to a southwesterly direction, but more
22 | west.

23 | INV. STONECIPHER: Okay. And when he was on the ground,
24 | how close is Mister Gongora's body to the curb, would you say?

25 | SGT. STEGER: It was very close to the curb.

26 | INV. STONECIPHER: Okay. In regards to like, was it like
27 | a foot, less than that? Two feet?

28 | SGT. STEGER: A foot maybe. I don't really recall. I

1 | just remember it was pretty close to the curb.

2 | INV. STONECIPHER: Okay. Now, did you touch Mister

3 | Gongora's body when it was on the ground?

4 | SGT. STEGER: Like I said, I checked for a pulse and I

5 | had stepped on his wrist.

6 | INV. STONECIPHER: Okay. And did you move his body at

7 | any point?

8 | SGT. STEGER: No, I did not.

9 | INV. STONECIPHER: And just to clarify something we

10 | touched on earlier. Where was the knife after Mister Gongora was

11 | shot?

12 | SGT. STEGER: It was in his right hand. It was still in

13 | his grasp.

14 | INV. STONECIPHER: Okay. And again, just to clarify.

15 | What did you do with the knife?

16 | SGT. STEGER: Well, I stepped on his wrist. Officer

17 | Perez asked me if he should remove the knife, and he did. And

18 | beyond that, I'm not, I kind of lost track of where it was.

19 | INV. STONECIPHER: Okay. And how did you leave the

20 | scene?

21 | SGT. STEGER: Sergeant Aloise showed up and he pulled me

22 | off the scene, and sat me in a patrol vehicle, and then somebody

23 | gave me a ride up to Mission Station, and they sat with me.

24 | INV. STONECIPHER: Okay.

25 | SGT. STEGER: At Mission Station.

26 | INV. STONECIPHER: Do you recall who went with you to

27 | Mission Station?

28 | SGT. STEGER: I think it was Officer [Garenz], I think.

1 INV. STONECIPHER: Okay. And what happened to your
2 weapon?

3 SGT. STEGER: Eventually, it was taken from me by a
4 member of the range staff.

5 INV. STONECIPHER: Okay. And were you given a
6 replacement afterwards?

7 SGT. STEGER: Yes.

8 INV. STONECIPHER: Okay. And who did you talk to after
9 the shooting, after it initially happened?

10 SGT. STEGER: Well, Sergeant Aloise did a Public Safety
11 statement, so I spoke with him. I think I spoke with a POA rep.
12 I know that Scott responded to Mission Station. Beyond that,
13 like I didn't talk to anybody about what had occurred. I know
14 people checked on my welfare, asked me if I needed anything, but
15 beyond that, I sat in the sergeant's office. I think Officer
16 Mellonne was taken, was transported, well, I know he was
17 transported to Mission at some point, and he was put somewhere
18 else in the station. We each had people with us to get us
19 whatever we needed and make sure we were okay.

20 INV. STONECIPHER: Good. Do you recall what time you
21 went home that day?

22 SGT. STEGER: I don't.

23 INV. STONECIPHER: All right.

24 SGT. STEGER: It was a long day.

25 INV. STONECIPHER: Carlos, did you have anything else?

26 SR. INV. VILLARREAL: Yeah. So, at any time during this
27 encounter, did you suspect that Mister Gongora had any mental
28 health issues or might have been under the influence of

1 anything?

2 SGT. STEGER: So, I mean, that's always a concern,
3 especially when dealing with people who are homeless. Many of
4 the people self-medicate, whether from mental illness or whether
5 it's just addiction or what have you. So, that is always a
6 concern, we're always assessing that. I'm very cognizant of
7 mental illness, both my experience in the Mission...I've talked
8 more people into going to PES, just talking to them into cars,
9 talking them out from behind closed doors, what have you. So,
10 I'm very cognizant of that. [REDACTED] [REDACTED]

11 [REDACTED] [REDACTED] So, there was no real time during
12 this to assess whether he was in crisis or whether he was under
13 the influence of something, we just didn't know.

14 SR. INV. VILLARREAL: And are you trained, in terms of
15 dealing with people who are under the influence of something?
16 Are you trained on that and how to recognize it, and how things
17 might be, how the situation might be different?

18 SGT. STEGER: I mean I went through the old drug
19 recognition class, the old 11350 class that they used to give
20 for identifying people who are under the influence, and during
21 that, they talk about what the effects on the body are. So, I've
22 had that training, but more so, my experience just on the
23 street, both [REDACTED] and working the Mission. I've
24 dealt with people who are under the influence of PCP, meth, LSD,
25 alcohol obviously. Pretty much a wide variety of narcotics and
26 illegal substances.

27 SR. INV. VILLARREAL: Okay. You said, and you talked about
28 being 30 feet away.

1 CHIEF OF STAFF HAWKINS: I'm going to step out right
2 now. It seems that I can go get organized.

3 SR. INV. VILLARREAL: Sure. And I only have a couple of
4 more questions.

5 CHIEF OF STAFF HAWKINS: Thank you for letting me be
6 here. Sorry.

7 SR. INV. VILLARREAL: So, for the record, Sarah Hawkins
8 just left the room. Okay. So, you talked about being 30 feet
9 away, and then you talked about when you fired your firearm,
10 being eight to ten feet away, as an estimate. So, can you
11 describe how that distance closed?

12 SGT. STEGER: Yeah. Mister Gongora sprinted.

13 SR. INV. VILLARREAL: Okay.

14 SGT. STEGER: He closed that distance quick, very, very
15 fast.

16 SR. INV. VILLARREAL: Okay.

17 SGT. STEGER: It was, you know, everything happened very
18 quickly.

19 SR. INV. VILLARREAL: So, that distance was entirely or
20 mostly closed because of Mister Gongora's actions?

21 SGT. STEGER: Yes.

22 SR. INV. VILLARREAL: Yeah? Okay. And then, my
23 understanding is that the autopsy showed that there were shots
24 that entered the top of Mister Gongora's head and also his back.
25 Can you explain how that could have happened?

26 SGT. STEGER: I can't. I mean it's a dynamic situation,
27 where I'm moving backwards, he's moving forward. He's got his
28 body cocked. Officer Mellonne is off to the side. I didn't know

1 | it at the time, but I know at some point, Officer Mellonne
2 | transitions from the ERIW to his firearm. And I had some
3 | familiarity with some of the [science] and the mind, making the
4 | decision to pull the trigger, and there's a little bit of a
5 | delay. So, I mean, Mister Gongora could have been falling, could
6 | have been twisting, and then, of course, like I said, I'm
7 | moving. I think Officer Mellonne even is moving, at least
8 | pivoting. So, yeah. I don't know who's bullets they were. I
9 | don't know where they hit; none of that.

10 | INV. STONECIPHER: Scott, did you have anything that you
11 | wanted to add?

12 | ATTORNEY BURRELL: No.

13 | INV. STONECIPHER: Okay. Sergeant Steger, is there any
14 | other statement relevant to this incident you wish to make at
15 | this time?

16 | SGT. STEGER: Not at this time, no.

17 | INV. STONECIPHER: Are there any witnesses or evidence
18 | relevant to this case that you intend to submit on your behalf?

19 | SGT. STEGER: No.

20 | INV. STONECIPHER: This is your last opportunity to
21 | submit material to DPA, IAD, and the Chief of Police, before an
22 | initial decision about whether or not to sustain any of the
23 | allegations in this case, and what discipline to impose, if any.
24 | Is there anything else you would like the Chief to consider in
25 | that regard?

26 | SGT. STEGER: No.

27 | INV. STONECIPHER: Okay. This interview is concluded. The
28 | official time is 10:53 a.m.

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